

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.
* MARCH 29, 2023 *
BROOKLYN OFFICE

JAM:ICR/EHS
F. #2022R00305

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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Judge Pamela K. Chen
Magistrate Judge Cheryl L. Pollak

UNITED STATES OF AMERICA

I N D I C T M E N T

- against -

NICHOLAS WELKER,
also known as "King ov Wrath,"
"ilovehate5150" and
"DankTree2316,"

Cr. No. 23-CR-141
(T. 18, U.S.C., §§ 371, 875(c),
981(a)(1)(C), 2 and 3551 et seq.; T. 21,
U.S.C., § 853(p); T. 28, U.S.C.,
§ 2461(c))

Defendant.

-----X

THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy To Transmit Threatening Communications)

1. In or about and between August 2021 and March 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant NICHOLAS WELKER, also known as "King ov Wrath," "ilovehate5150" and "DankTree2316," together with others, did knowingly and willfully conspire to transmit in interstate and foreign commerce, using Internet-based electronic communications services, one or more electronic communications, to wit: posts on Twitter and an Internet-based electronic communications service ("ECS-1"), containing threats to injure the person of another, contrary to Title 18, United States Code, Section 875(c).

2. In furtherance of the conspiracy and to effect its objects, within the Eastern District of New York and elsewhere, the defendant NICHOLAS WELKER, also known

as “King ov Wrath,” “ilovehate5150” and “DankTree2316,” together with others, did commit and cause the commission of, among others, the following:

OVERT ACTS

(a) On or about August 29, 2021, WELKER used ECS-1 to provide Minor Co-Conspirator-2 with the name of a journalist (“Victim-1”) and the news media company that Victim-1 worked for (“News Media Company-1”) to request the creation of an image depicting a gun aimed at Victim-1.¹

(b) On or about August 29, 2021, Minor Co-Conspirator-2 used ECS-1 to send WELKER an image of a gun aimed at Victim-1, with the words “Race Traitor” covering Victim-1’s eyes. The caption stated “JOURNALIST FUCK OFF! YOU HAVE BEEN WARNED. [Victim-1] New York. Works as a Reporter for [News Media Company-1]. Responsible for Stalking our Boys for Information” (hereinafter the “August 2021 Threat”).

(c) On or about August 29, 2021, WELKER posted the August 2021 Threat in ECS-1 group chats and channels.

(d) On or about September 4, 2021, Minor Co-Conspirator-2 posted the August 2021 Threat to an ECS-1 group chat.

(e) On or about September 4, 2021, Minor Co-Conspirator-2 posted to an ECS-1 group chat a screenshot of a Twitter user tweeting the August 2021 Threat image at Victim-1’s Twitter “handle.”

¹ The identities of each of the individuals and entities anonymized in this Indictment are known to the Grand Jury.

(f) On or about September 5, 2021, Minor Co-Conspirator-1 tweeted at the Twitter handle for Victim-1, “Hey how have you been my friend. Have you seen the new stuff we made about you? just thought id ask.”

(g) On or about September 15, 2021, Minor Co-Conspirator-1 retweeted the August 2021 Threat, including Victim-1’s Twitter handle.

(h) On or about March 12, 2022, WELKER posted the August 2021 Threat in an ECS-1 group chat.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

COUNT TWO
(Transmission of Threatening Communications)

3. In or about and between August 2021 and March 2022, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant NICHOLAS WELKER, also known as “King ov Wrath,” “ilovehate5150” and “DankTree2316,” together with others, did knowingly and willfully transmit in interstate and foreign commerce, using Internet-based electronic communications services, one or more electronic communications, to wit: posts on Twitter and ECS-1, containing threats to injure the person of another.

(Title 18, United States Code, Sections 875(c), 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

4. The United States hereby gives notice to the defendant that, upon his conviction of either of the offenses charged in Counts One and Two, the government will seek forfeiture in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), which require any person convicted of such offenses to

forfeit any property, real or personal, constituting, or derived from, proceeds obtained directly or indirectly as a result of such offenses.

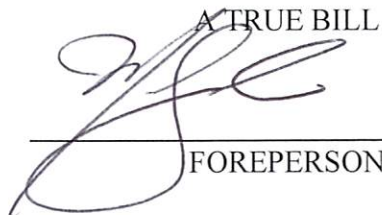
5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided

without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p); Title 28, United States Code, Section 2461(c))

A TRUE BILL

FOREPERSON

By Carolyn Pokorny, Assistant U.S. Attorney
BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

F #: 2022R00305
FORM DBD-34
JUN. 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

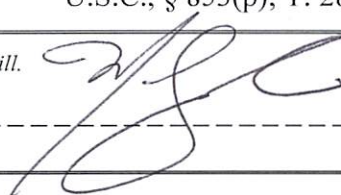
NICHOLAS WELKER,
also known as "King ov Wrath," "ilovehate5150" and "DankTree2316,"

Defendant.

INDICTMENT

(T. 18, U.S.C., §§ 371, 875(c), 981(a)(1)(C), 2 and 3551 et seq.; T. 21,
U.S.C., § 853(p); T. 28, U.S.C., § 2461(c))

A true bill.



Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

*Ian C. Richardson and Ellen H. Sise, Assistant U.S. Attorneys
(718) 254-6299*